The Honorable Marsha J. Pechman 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 9 IN RE WASHINGTON MUTUAL 10 Master Case No. C09-037 MJP MORTGAGE BACKED SECURITIES 11 LITIGATION, [Consolidated with: Case Nos. 12 This Document Relates to: ALL CASES CV09-0134 MJP, CV09-0137 MJP, and CV09-01557 MJP] 13 14 APPENDIX OF UNPUBLISHED **AUTHORITIES IN SUPPORT OF** 15 **DEFENDANTS' MOTION FOR** JUDGMENT ON THE PLEADINGS 16 17 NOTE ON MOTION CALENDAR: **JULY 22, 2011** 18 19 Defendants WaMu Asset Acceptance Corporation, WaMu Capital Corporation, 20 Washington Mutual Mortgage Securities Corporation, David Beck, Diane Novak, Rolland 21 Jurgens and Richard Careaga (the "WaMu Defendants") respectfully submit this Appendix of 22 Unpublished Authorities in Support of Defendants' Motion for Judgment on the Pleadings. 23 For ease of the reference, a true and correct copy of each unpublished authority is 24 attached to this Appendix. 25 26 Maine State Retirement Systems v. Countrywide Financial Corporation, No. 10-0302, Order Resolving Pending Motions to Dismiss (Dkt. No. 257) (C.D. Cal. May 5, 2011) 27 28

Appendix of Unpublished Authorities in Support of Defendants' Motion for Judgment on the Pleadings: C09-037 MJP - 1

HILLIS CLARK MARTIN & PETERSON P.S.

1 San Luis Unit Food Producers v. U.S., No 09-01871, 2011 WL 693329, at *4 (E.D. Cal. Feb. 16, 2011) 2 DATED this 30th day of June, 2011. 3 4 HILLIS CLARK MARTIN & PETERSON P.S. 5 By s/ Louis D. Peterson Louis D. Peterson, WSBA #5776 6 Brian C. Free, WSBA #35788 7 Hillis Clark Martin & Peterson P.S. 1221 Second Avenue, Suite 500 8 Seattle WA 98101-2925 9 Telephone: (206) 623-1745 Facsimile: (206) 623-7789 10 Email: ldp@hcmp.com; bcf@hcmp.com 11 OF COUNSEL 12 ADMITTED PRO HAC VICE BINGHAM MCCUTCHEN LLP 13 Theo J. Robins David M. Balabanian Bingham McCutchen LLP John D. Pernick 14 399 Park Avenue, Jee Young You 15 New York, NY 10022-4689 Frank Busch Telephone: (212) 705-7000 Bingham McCutchen LLP 16 Facsimile: (212) 702-3680 Three Embarcadero Center Email: theo.robins@bingham.com 17 San Francisco, CA 94111-4067 Telephone: (415) 393-2000 18 Facsimile: (415) 393-2286 Email: david.balabanian@bingham.com; 19 john.pernick@bingham.com; 20 jeeyoung.you@bingham.com frank.busch@bingham.com 21 **Attorneys for Defendants** WaMu Asset Acceptance Corporation, WaMu Capital Corporation, David Beck, 22 Richard Careaga, Rolland Jurgens, and Diane Novak 23 24 25 26 27 28

Appendix of Unpublished Authorities in Support of Defendants' Motion for Judgment on the Pleadings: C09-037 MJP - 2

HILLIS CLARK MARTIN & PETERSON P.S.

CERTIFICATE OF SERVICE
I hereby certify that on the 30th day of June, 2011, I electronically filed the foregoing
with the Clerk of the Court using the CM/ECF system which will send notification of such
filing to the following:
Floyd Abrams - fabrams@cahill.com
Michael H. Barr -mbarr@sonnenschein.com
Walter Eugene Barton - gbarton@karrtuttle.com,nrandall@karrtuttle.com,danderson@karrtuttle.com
Steve W. Berman - steve@hbsslaw.com,robert@hbsslaw.com,heatherw@hbsslaw.com
S Douglas Bunch -dbunch@cohenmilstein.com
Steven P Caplow - stevencaplow@dwt.com,patrickwatts@dwt.com,sheilarowden@dwt.com,jasor Schattenkerk@dwt.com
Kevin P Chavous -kchavous@sonnenschein.com
James J. Coster -jcoster@ssbb.com,managingclerk@ssbb.com,jregan@ssbb.com
Hal D Cunningham -hcunningham@scott-scott.com,halcunningham@gmail.com,efile@scott-scott.com
Kerry F Cunningham -kerry.cunningham@dlapiper.com
Leslie D Davis -ldavis@sonnenschein.com
Corey E Delaney - corey.delaney@dlapiper.com,kerry.cunningham@dlapiper.com,richard.hans@ dlapiper.com,patrick.smith@dlapiper.com
Joshua S. Devore -jdevore@cohenmilstein.com,efilings@cohenmilstein.com
Joseph A. Fonti -jfonti@labaton.com,ElectronicCaseFiling@labaton.com
Larry Steven Gangnes -
gangnesl@lanepowell.com,sebringl@lanepowell.com,docketing-sea@lanepowell.com,donnellyjossm@lanepowell.com
Jonathan Gardner jgardner@labaton.com
Joseph P Guglielmo -jguglielmo@scott-scott.com,efile@scott-scott.com
Richard F Hans -richard.hans@dlapiper.com,dorinda.castro@dlapiper.com
David Daniel Hoff -dhoff@tousley.com,efile@tousley.com
Julie Hwang -jhwang@labaton.com,ElectronicCaseFiling@labaton.com
Geoffrey M Johnson - gjohnson@scott-scott.com,efile@scott-scott.com
Matthew B. Kaplan -mkaplan@cohenmilstein.com,efilings@cohenmilstein.com

Appendix of Unpublished Authorities in Support of Defendants' Motion for Judgment on the Pleadings: C09-037 MJP - 3

HILLIS CLARK MARTIN & PETERSON P.S.

1	Stellman Keehnel -stellman.keehnel@dlapiper.com,patsy.howson@dlapiper.com
2	Paul Joseph Kundtz - pkundtz@riddellwilliams.com,mdowns@riddellwilliams.com,mbergquam@ri
3	ddellwilliams.com
4	Joel P Laitman -jlaitman@cohenmilstein.com
5	Bruce Earl Larson -blarson@karrtuttle.com,psteinfeld@karrtuttle.com
	Mike Liles , Jr-mliles@karrtuttle.com
6	Christopher E Lometti -clometti@cohenmilstein.com
7	John D Lowery -jlowery@riddellwilliams.com,dhammonds@riddellwilliams.com
8	Douglas C McDermott -doug@mcdermottnewman.com,eric@mcdermottnewman.com
9	Bradley T. Meissner -bradley.meissner@dlapiper.com
10	Timothy Michael Moran - moran@kiplinglawgroup.com,cannon@kiplinglawgroup.com
11	Walter W. Noss - wnoss@scott-scott.com,efile@scott-scott.com
	Brian O. O'Mara -bomara@csgrr.com
12	Barry Robert Ostrager -bostrager@stblaw.com,managingclerk@stblaw.com
13	Kenneth J Pfaehler -kenneth.pfaehler@snrdenton.com,nicole.reeber@snrdenton.com
14	Daniel B Rehns -drehns@cohenmilstein.com,efilings@cohenmilstein.com
15	Kenneth M Rehns -krehns@cohenmilstein.com
	Julie Goldsmith Reiser -jreiser@cohenmilstein.com
16	Serena Richardson -srichardson@labaton.com,ElectronicCaseFiling@labaton.com
17 18	Rogelio Omar Riojas - omar.riojas@dlapiper.com,nina.marie@dlapiper.com,karen.hansen@dlapiper.com
	Darren J Robbins -e_file_sd@csgrr.com
19	Tammy Roy -troy@cahill.com
20	Joshua M. Rubins -jrubins@ssbb.com,managingclerk@ssbb.com,jregan@ssbb.com
21	Stephen M. Rummage -steverummage@dwt.com,jeannecadley@dwt.com
22	Hollis Lee Salzman -hsalzman@labaton.com,ElectronicCaseFiling@labaton.com
23	Paul Scarlato -pscarlato@labaton.com,ElectronicCaseFiling@labaton.com
	Arthur L Shingler -ashingler@scott-scott.com,efile@scott-scott.com
24	Gavin Williams Skok -gskok@riddellwilliams.com,dhammonds@riddellwilliams.com
25	Richard A Speirs -rspeirs@cohenmilstein.com
26	Kim D Stephens - kstephens@tousley.com,wcruz@tousley.com,cbonifaci@tousley.com
27	Robert D Stewart -stewart@kiplinglawgroup.com,cannon@kiplinglawgroup.com
28	Janissa Ann Strabuk - jstrabuk@tousley.com,wcruz@tousley.com
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1	Steven J Toll -stoll@cohenmilstein.com,efilings@cohenmilstein.com
2	Mary Kay - Vyskocil mvyskocil@stblaw.com
3	Dennis H Walters -dwalters@karrtuttle.com,wbarker@karrtuttle.com
4	Adam Zurofsky -azurofsky@cahill.com
5	DATED this 30th day of June, 2011 at Seattle, Washington.
6	By s/ Louis D. Peterson Louis D. Peterson, WSBA #5776
7	1221 Second Avenue, Suite 500 Seattle WA 98101-2925
8	Telephone: (206) 623-1745
9	Facsimile: (206) 623-7789 Email: ldp@hcmp.com
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11	ND: 19719.002 4830-3642-9577v1
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